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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)**

IN RE: BEXTRA AND CELEBREX) MDL CASE NO.: 05-CV-1699
 MARKETING SALES PRACTICES AND)
 PRODUCT LIABILITY LITIGATION)

ACQUAROLE, et al.,) CASE NO. CGC-06-449463
) MDL Case No. 06-2392 CRB

Plaintiffs,) STIPULATION AND ORDER OF
) DISMISSAL WITH PREJUDICE
 vs.) AS TO PLAINTIFF BILLY MCDANIEL

PFIZER, INC., et al.)
)
 Defendants.)

COME NOW, Plaintiff BILLY MCDANIEL and Defendants PFIZER, INC., et al., by
 and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a),

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE
 AS TO PLAINTIFF BILLY MCDANIEL**

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1 and hereby stipulate to the dismissal of Plaintiff BILLY MCDANIEL from this action, with
2 prejudice, each side bearing its own attorney's fees and costs.

3
4 Respectfully submitted,

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6 Dated: September 24, 2009

KABATECK BROWN KELLNER LLP

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8 By: 
9 Brian S. Kabateck, Esq.
Attorneys for Plaintiff BILLY MCDANIEL

10
11 Dated: October 27, 2009

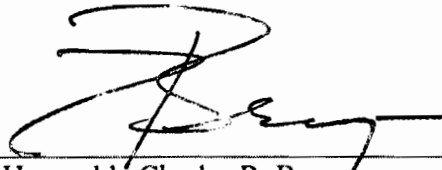
DLA PIPER LLP

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13 By: /S/
14 Matthew A. Holian
Attorney for Defendants PFIZER, INC., et al.

15
16 **ORDER**

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18 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**
19 **SO ORDERED.**

20
21 Dated: OCT 29 2009

22 
23 Honorable Charles R. Breyer
24 United States District Court